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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,034	03/12/2001	Shraga Rottem	43581.010100	8702

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Eugene C Rzucidlo
Greenberg Traurig
21st Floor
885 Third Avenue
New York, NY 10022

EXAMINER

FRECH, KARL D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,034

Applicant(s)

ROTTM, SHRAGA

Examiner

Karl D Frech

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Art Unit: 2876

1. Claims 11, 12 are objected to because of the following informalities: claim 11 currently recites "if such abnormality were then present" in two instances. Although the examiner understands Applicant's, this language fails to set forth the metes and bounds of the invention. Therefore, this language should be amended in such a manner that the current invention is positively set forth. In short, the conditional "if" clause should be avoided. Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1,2,3,4,11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Laros, Jr. 5,928,169. Laros discloses a "calculator" and "calendar" (wrist watch) which allows the user to input pregnancy information (col 3 line 58+; col 5 lines 26+) which may include information about the date of the females last menstrual period (col 6 line 30+). The date may be a calendar date (col 6 lines 1+). The calendar is designed to show such information as organ

Art Unit: 2876

development (col 8 line 1+) based upon gestational age (col 7 lines 50+). The information is retrieved from data sets stored based upon time indexes (col 7 lines 35+).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laros, Jr 5,928,168. Laros, Jr. discloses the invention as seen above. The invention of Laros, Jr. appears to be a “digital” watch type calendar. Laros, Jr. does not specifically disclose the “analog” calendar. However, analog (dial) watches, with calendars, are old and well known, and in fact predated the now common digital watches. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the older analog style watch in the invention of Laros, Jr. Consumers in general continue to purchase both the analog and digital watches, due to a matter of personal taste. Many consumers prefer the aesthetic appearance of the analog watch. Therefore, using an analog watch in Laros, Jr. would expand the possible market for such a device.

6. Claims 6-10, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tilbrook 2,418,207 in view of Laros, Jr. et al. Tilbrook discloses a concentric disk calendar “rythmeter” and gestational calendar (see figs) based upon dates of the female’s menstrual cycle. As seen in

Art Unit: 2876

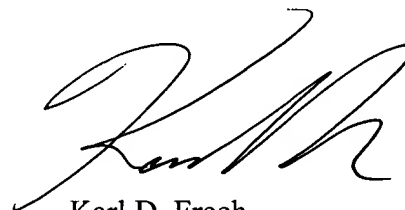
the figures, there is a substrate "B" with tabs 30, 32 and dates. There are also shown a plurality of disks which are concentrically rotatably attached to the substrate "B", the disks having tabs and windows. At least one of the disks, and the substrate have information or "charts". Tilbrook discloses the basic structure of the current invention, however, Tilbrook does not disclose the exact information regarding gestational age and organ development as claimed. However, as seen above, Laros, Jr. teaches displaying gestational age and organ development information based upon this gestational age. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to display the gestational age and organ development information on the concentric disk calendar of Tilbrook. This would provide an inexpensive, easily produced, reference calendar for expectant mothers and doctors. Tilbrook and Laros, Jr. do not disclose folding the calendar. Although Tilbrook is silent as to the material of his disks and substrate, making concentric disk calendars of paper or paper products is old and well known. Also old and well known is folding paper products. It would have been obvious to a person of ordinary skill in the art at the time of the invention to make the calendar of paper allow the device to be folded. This would add to the convenience of the apparatus as it would be cheap, lightweight, disposable and easily handled and stored.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dowdle et al 5,777,905, Poage et al 4,133,476 and Denis et al 5,763,860 all disclose gestational calendars.

Art Unit: 2876

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Frech whose telephone number is (703) 305-3491. The examiner's supervisor is Michael Lee whose telephone number is (703)305-3503. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center receptionist whose telephone number is (703)308-0956. The Tech Center fax number is (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [karl.frech@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

A handwritten signature in black ink, appearing to read 'Karl D. Frech', with a stylized, flowing script.

Karl D. Frech
Primary Examiner, AU 2876
May 04, 2003